

Message Text

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ACTION EUR-12

INFO OCT-01 EA-10 ISO-00 AID-05 CEA-01 CIAE-00 COME-00
EB-08 FRB-03 INR-07 NSAE-00 SP-02 STR-05 TRSE-00
LAB-04 SIL-01 OMB-01 ACDA-12 IO-13 L-03 NSC-05
NRC-05 OES-07 DODE-00 SS-15 FEA-01 /121 W
-----098020 240054Z /70

R 231857Z NOV 77
FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC 3289
INFO DOE WASHDC
DOE GERMANTOWN
AMEMBASSY CANBERRA
AMEMBASSY OTTAWA
AMEMBASSY VIENNA
ALL EC CAPITALS

C O N F I D E N T I A L SECTION 01 OF 02 BRUSSELS 16970

USEEC

VIENNA ALSO FOR IAEA

E.O. 11652: GDS
TAGS: PARM, TECH, IAEA, AS, EC
SUBJECT: PROPOSED AUSTRALIAN SAFEGUARDS AGREEMENT WITH EC

REF: BRUSSELS 16234 (NOTAL)

1. AN AUSTRALIAN MISSION OFFICER INFORMED THE MISSION THAT HE HAD RECEIVED PRELIMINARY COMMISSION VIEWS REGARDING THE PROPOSED AUSTRALIAN NUCLEAR AGREEMENT (REFTEL) FROM DIRECTOR GENERAL FOR SCIENCE AND RESEARCH SCHUSTER AND DIRECTOR FOR EXTERNAL RELATIONS IN RESEARCH AND SCIENCE HAMMER ON NOVEMBER 18. HE ALSO PROVIDED COPIES OF THE DRAFT AGREEMENT, WHICH IS ESSENTIALLY A RECIPROCAL SAFE-GUARD AGREEMENT WHICH DOES NOT EXTEND TO GENERAL NUCLEAR
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COOPERATION OR TO EXPORTS OF EQUIPMENT AND TECHNOLOGY. ALTHOUGH HE WAS CERTAIN THAT COPIES HAD BEEN GIVEN TO THE APPROPRIATE AUTHORITIES IN WASHINGTON, COPIES ARE BEING POUCHED TO EUR/RPE SALISBURY AND DEPARTMENT OF ENERGY SIEVERING.

2. SCHUSTER TOOK THE AUSTRALIANS TO TASK FOR INFORMING

MEMBER STATES AS WELL AS THE COMMISSION AT THE TIME THE MODEL AGREEMENT WAS DISTRIBUTED THAT AUSTRALIA WAS PREPARED TO NEGOTIATE SIMULTANEOUSLY BILATERAL AGREEMENTS WITH THE MEMBER STATES AND THE EC. SCHUSTER SPECULATED AS TO WHETHER AUSTRALIA MERELY WISHED TO KEEP THE MEMBER STATES INFORMED OR WHETHER IT INTENDED TO ADVANCE THE AUSTRALIAN POSITION BY DIVIDING THE MEMBER STATES AND QUESTIONED AUSTRALIAN MOTIVES. SCHUSTER STRESSED THAT THE COMMUNITY HAS FULL PREROGATIVE OVER NUCLEAR SAFEGUARDS IN THE MEMBER STATES AND ALSO OVER NUCLEAR SUPPLIES UNDER ARTICLE 64 OF THE EURATOM TREATY. WHILE EURATOM HAS TO SOME EXTENT DELEGATED THIS LATTER RIGHT TO THE MEMBER STATES, HE INDICATED THAT THE COMMISSION INTENDED TO PLAY AN INCREASINGLY CENTRAL ROLE IN THE ACQUISITION OF NUCLEAR FUELS FOR THE MEMBER STATES IN THE FUTURE. SCHUSTER ACKNOWLEDGED, HOWEVER, THAT PHYSICAL PROTECTION, WHICH IS COVERED UNDER THE PROPOSED AUSTRALIAN AGREEMENT, IS PRIMARILY THE RESPONSIBILITY OF THE INDIVIDUAL MEMBER STATES.

3. THE AUSTRALIAN OFFICER SAID THAT HE POINTED OUT TO SCHUSTER THAT THE AUSTRALIANS WOULD NATURALLY ACCEPT THE DECISION OF THE MEMBER STATES AS TO WHETHER AGREEMENTS WOULD BE CONCLUDED ONLY WITH THE EC OR ALSO WITH MEMBER STATES. (HE TOLD THE MISSION IN CONFIDENCE THAT SOME OF THE MEMBER STATES HAD INDICATED AN APPARENT WILLINGNESS TO PROCEED WITH NEGOTIATIONS OF BILATERAL AGREEMENTS AND HE CONFIDENTIAL

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FELT THE AUSTRALIAN INITIATIVE MIGHT LEAD TO FRICTION IN THE EC.)

4. ACCORDING TO THE AUSTRALIAN OFFICER, AMONG THE COMMENTS ON THE MODEL AUSTRALIAN AGREEMENT BY SCHUSTER AND HAMMER WERE THE FOLLOWING:

A. SCHUSTER NOTED THAT THE PREAMBLE WHICH PROVIDES FOR CONCLUSION OF AGREEMENTS ONLY WITH NON-NUCLEAR WEAPONS STATES WHICH ARE PARTIES TO THE NPT WOULD HAVE TO BE AMENDED TO TAKE INTO CONSIDERATION THE FACT THAT TWO OF THE EC MEMBER STATES ARE NUCLEAR WEAPON STATES, WHILE ONE HAS NOT SIGNED THE NPT. THE AUSTRALIAN OFFICER ASSURED SCHUSTER THAT AUSTRALIA WAS FULLY AWARE OF THE NEED TO CHANGE THIS MODEL AGREEMENT TO TAKE SUCH REALITIES INTO CONSIDERATION.

B. SCHUSTER ALSO EXPRESSED THE HOPE THAT AUSTRALIA WOULD BE WILLING TO PERMIT SUBSTITUTION OF EURATOM FOR AUSTRALIA TO ADMINISTER SAFEGUARDS IN THE ARTICLE (V) ON "FALL-BACK SAFEGUARDS" (I.E., IN THE EVENT THAT THE IAEA IS NO LONGER ADMINISTERING SAFEGUARDS, FOR WHAT-

EVER REASON). THE AUSTRALIAN OFFICER WAS NON-COMMITTAL.

C. REGARDING THE DRAFT PROVISION REQUIRING AUSTRALIAN PRIOR CONSENT FOR TRANSFER OF AUSTRALIAN-ORIGIN MATERIAL FROM INDIVIDUAL EC MEMBER COUNTRIES (PARA. 2, REFTTEL), THE AUSTRALIAN OFFICER ASSURED SCHUSTER THAT THE GOA WAS PREPARED TO LIMIT THE REQUIREMENT FOR AUSTRALIAN APPROVAL TO TRANSFERS FROM THE JURISDICTION OF THE EURATOM AREA AS A WHOLE AND NOT TRY TO CONTROL TRANSFERS BETWEEN THE STATES.

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D. AS EXPECTED, SCHUSTER AND HAMMER SAID THAT THE EC WOULD NOT ACCEPT THAT PRIOR AUSTRALIAN CONSENT WOULD BE REQUIRED EACH TIME THAT THE COMMUNITY WISHES TO REPROCESS AUSTRALIAN-ORIGIN URANIUM OR ENRICH IT BEYOND 20 PERCENT. SCHUSTER SUGGESTED THAT RATHER THAN SEEK AUSTRALIAN APPROVAL ON A CASE-BY-CASE BASIS, THE AGREEMENT COULD INCLUDE A STATEMENT OF THE CONDITIONS UNDER WHICH REPROCESSING AND ENRICHMENT BEYOND 20 PERCENT COULD TAKE PLACE. HE ALSO FELT THAT THE SITUATION REGARDING ENRICHMENT AND REPROCESSING WILL UNDOUBTEDLY CHANGE AS A RESULT OF INFCE.

5. THE AUSTRALIAN OFFICER BELIEVES THAT THE EC WILL MOVE SLOWLY TO RESPOND OFFICIALLY TO THE AUSTRALIAN

INITIATIVE. HE SAID HE WOULD NOT BE SURPRISED IF IT
TOOK UP TO A YEAR FOR SUCH A RESPONSE BUT THAT HE
FELT THIS WOULD NOT BOTHER GOA. HINTON

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